

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SPRINT SPECTRUM, L.P. ON)
BEHALF OF WIRELESSCO, L.P. FOR ISSUANCE OF)
A CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A PERSONAL) CASE NO. 96-322
COMMUNICATION SERVICES FACILITY IN THE)
LOUISVILLE MAJOR TRADING AREA [PROSPECT)
PCS FACILITY LV03C075B2])

O R D E R

On January 10, 1997, Mr. Charles R. Huff submitted by facsimile a letter, which the Commission will treat as a motion, requesting full intervention in this matter. Mr. Huff objects to the proposed construction on the ground that he does not believe WirelessCo, L.P. ("WirelessCo"), the applicant, has not explored potential collocation possibilities. He indicates he has offered to assist WirelessCo in collocating on a water tower near the proposed construction site. WirelessCo has responded, also via facsimile, to the motion.

This case was filed July 17, 1996. The hearing on this matter is scheduled to take place on January 22, 1997. Interested persons who live near the proposed site have intervened to contest the tower site and to present evidence regarding, among other issues, collocation on the adjacent water tank to which Mr. Huff apparently refers. The scheduled dates for submitting witness lists, issues lists, and prefiled testimony have passed. Mr. Huff states in his letter that he discussed this case with WirelessCo or its agents on July 31, 1996. Thus, Mr. Huff has known of this case for many months and has made no previous effort to intervene. His motion, filed at the eleventh hour, is untimely.

Finally, and more importantly, Mr. Huff does not demonstrate that he has a "special interest" in this particular proceeding. 807 KAR 5:001, Section 3 (8).¹ Instead, his interest appears to be indistinguishable from that of the public generally. It is therefore appropriate that his motion to intervene be denied. If he wishes to do so, Mr. Huff may attend the hearing and may offer public comment prior to the taking of evidence on this matter as may any member of the general public.


The Commission having reviewed the motion, the response, and the record, and having been otherwise sufficiently advised, IT IS THEREFORE ORDERED that the motion to intervene is denied.

Done at Frankfort, Kentucky, this 17th day of January, 1997.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director

¹ Mr. Huff was granted intervention in Case No. 96-227, the Application of Sprint Spectrum, L.P. On Behalf of WirelessCo L.P. For Issuance of a Certificate of Public Convenience and Necessity to Construct a Personal Communication Services Facility in the Louisville Major Trading Area (Covered Bridge PCS Facility LV03XCO76B2), which concerns construction near Mr. Huff's residence.